

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA


ERNEST RAY WHOLAVER, JR.,	:	
<i>Plaintiff</i>	:	CIVIL ACTION
	:	
v.	:	
	:	
JOHN E. WETZEL, <i>et al.</i> ,	:	
<i>Defendants</i>	:	22-492

**ORDER**

AND NOW, this 6<sup>th</sup> day of June, 2022, upon review of the Defendants' Motion to Dismiss (Doc. No. 4) and Plaintiff Ernest Ray Wholaver, Jr.'s Response (Doc. No. 5), it is hereby **ORDERED** that:

1. The Defendants' Motion to Dismiss (Doc. No. 4) is **GRANTED**; and
2. If Mr. Wholaver wishes to seek leave to amend his complaint, he must **FILE** a motion seeking leave to file an amended complaint within **60 days** of this Order; after 60 days, this case will be dismissed for failure to prosecute.<sup>1</sup>

BY THE COURT:

  
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GENE E.K. PRATTER  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> "[T]o request leave to amend a complaint, the plaintiff must submit a draft amended complaint to the court so that it can determine whether amendment would be futile." *Fletcher-Harlee Corp. v. Pote Concrete Contractors, Inc.*, 482 F.3d 247, 252 (3d Cir. 2007).